UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

UNITED STATES OF AMERICA, Plaintiff, v. **Juan Armando LECHUGA-Montalvo,** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 9, 2008** within the Southern District of California, defendant, **Juan Armando LECHUGA-Montalvo,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **MARCH 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Juan Armando LECHUGA-Montalvo

PROBABLE CAUSE STATEMENT

On March 9, 2008, Border Patrol Agent R. Sepulveda of the Imperial Beach Border Patrol Station responded to a seismic activation in an area known as "East Smugglers." This area is approximately three miles west of the San Ysidro, California Port of Entry and adjacent to the United States/ Mexico International Boundary. As Agent Sepulveda approached the area he noticed an agent in pursuit of a single male running southbound heading toward the international boundary from this area. Agent Sepulveda cut the individual off and identified himself as a Border Patrol Agent and conducted an immigration inspection on the individual, later identified as the defendant **Juan Armando LECHUGA-Montalvo**. The defendant admitted to being a citizen and national of Mexico illegally in the United States and does not have any immigration documents that would allow him to be or remain in the United States legally. At approximately 6:40 p.m., the defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 8, 2005** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights, which he stated he understood and was willing to answer questions without having a lawyer present. The defendant again admitted to being a citizen and national of Mexico who was ordered removed from the United States by an immigration judge and has not asked for permission to enter into the United States after being removed. The defendant stated his intended destination was Los Angeles, California.